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In re Application of	:	OFFICE OF PETITIONS
David Henzerling	:	
Application No. 09/741,208	:	DECISION ON PETITION
Filed: December 19, 2000	:	
Attorney Docket No. 42390P10397	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed April 22, 2003. This Office action set a shortened statutory period for reply of three (3) months. On September 22, 2003, applicant filed an amendment, made timely by an accompanying petition (and fee) for extension for response within the second month. However, by advisory action mailed November 10, 2003, applicant was advised that the amendment failed to place the application in condition for allowance. No proper reply having been received and no further extension of time obtained, the application became abandoned on September 23, 2003. A Notice of Abandonment was mailed on March 11, 2004.

With the instant petition, petitioner filed a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a submission and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1). Petitioner has met all other requirements for a grantable petition under 37 C.F.R. § 1.137(b).

Technology Center 2876 has been advised of this decision. The RCE and submission will be considered in due course.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0309.


Nancy Johnson
Senior Petitions Attorney
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